

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-40011
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

JESUS ARANDA

Defendant - Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. B-00-CR-301-1

November 9, 2001

Before KING, Chief Judge, and HIGGINBOTHAM and BENAVIDES, Circuit Judges.

PER CURIAM:*

Jesus Aranda appeals his conviction for stealing a firearm from a licensed firearms dealer that had "been shipped or transported in interstate or foreign commerce," in violation of 18 U.S.C. § 922(u). Aranda contends that the evidence was insufficient to satisfy the interstate commerce element of 18 U.S.C. § 922(u).

The statute does not exceed the power of Congress to legislate under the Commerce Clause because the language "shipped

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

or transported in interstate or foreign commerce" provides the requisite interstate commerce element. 18 U.S.C. § 922(u); United States v. Luna, 165 F.3d 316, 320-22 (5th Cir.), cert. denied, 526 U.S. 1126 (1999). The undisputed evidence revealed that the firearm was manufactured in Connecticut and that Aranda stole the firearm from a firearms dealer in Texas. A mere showing that the weapon in question traveled at some time from one state to another is enough to demonstrate the jurisdictional element. See Luna, 165 F.3d at 322; United States v. Gresham, 118 F.3d 258, 264-65 (5th Cir. 1997), cert. denied, 522 U.S. 1052 (1998); United States v. Pierson, 139 F.3d 501, 503-04 (5th Cir. 1998); United States v. Rawls, 85 F.3d 240, 242-43 (5th Cir. 1996).

AFFIRMED.